

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JESSICA PETERSON,

Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF EDUCATION,  
AND JOSEPH SCARMATO, PRINCIPAL OF  
TOTTENVILLE HIGH SCHOOL,

Defendants.

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**DECLARATION OF GARY  
MOY IN SUPPORT OF  
DEFENDANTS' MOTION TO  
DISMISS THE AMENDED  
COMPLAINT**

18 CV 1515 (ILG) (RER)

**Gary Moy** declares, pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, and the attorney for defendants New York City Department of Education and Principal Joseph Scarmato in the above-captioned matter. As such, I am familiar with the facts stated herein.

2. This declaration is submitted in support of defendants' motion to dismiss the complaint pursuant to Rule 12(b) of the Federal Rules of Civil Procedure in order to place before the Court documents relied upon by Defendants in their motion to dismiss.

3. Defendants annex the following documents in support of their motion to dismiss the complaint, which are referred to in the complaint, are matters of which judicial notice may be taken, are documents in plaintiff's possession, and/or are documents of which Plaintiff had knowledge and upon which Plaintiff relied in bringing this action:

4. A copy of the April 24, 2018 Decision issued by Hearing Officer Mary J. O'Connell, Esq. in the 3020-a proceeding, Dep't of Education of the City of New York v. Jessica Peterson, SED Case Nos. 31998 & 31465, is attached hereto as Exhibit "A".

5. A copy of plaintiff's Notice of Claim, dated February 26, 2018, is attached hereto as Exhibit "B".

6. A copy of the preamble and Article 22 of the Collective Bargaining Agreement between the Board of Education of the City School District of the City of New York and the United Federation of Teachers, dated May 1, 2014, is attached hereto as Exhibit "C".

I declare under penalties of perjury that the foregoing is true and correct.

Dated: New York, New York  
June 19, 2018

/s/  
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Gary Moy  
Senior Counsel